

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ROGER T. JOHNSON,)	
)	
Plaintiff,)	
)	
)	CASE NO. 3:12-0195
vs.)	JUDGE SHARP/KNOWLES
)	
)	JURY DEMAND
ROLAND COLSON, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court upon the pro se prisoner Plaintiff's "Motion to Compel Discovery." Docket No. 128. With the Motion, Plaintiff has submitted a set of discovery requests containing a Certificate of Service by mail on November 27, 2013. Docket No. 128-1, p. 18. Plaintiff has also submitted a copy of Defendant's objections to the discovery, which essentially argues that the discovery requests were untimely because the deadline for completion of discovery expired November 20, 2013.

In the Motion, Plaintiff states that Defendant's claim that the Motions are untimely "is far from the truth." Docket No. 128, p. 1. Plaintiff further states, "The deadline to file discovery motions was December 4, 2013," and that, "The Plaintiff served the defendant said motion on November 19, 2013, which is a total 16 days before the deadline to file discovery motions (Exhibit 1)." Docket No. 128, p. 1.

The Scheduling Order that set the discovery deadline states in relevant part as follows:

All discovery shall be completed by November 20, 2013. By this, the Court means that all written discovery should be served far

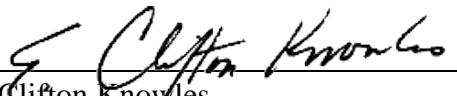
enough before the discovery completion date, i.e. at least thirty days prior to the discovery completion deadline, so that responses or objections to any written discovery can be made prior to the completion deadline.

Docket No. 83, p. 2.

It appears that Plaintiff has confused the discovery cut-off deadline of November 20 with the deadline for filing discovery-related Motions of December 4. The discovery requests submitted by Plaintiff clearly were not timely under the Scheduling Order. Moreover, the discovery requests at issue cannot be characterized as “discovery motions,” which were due to be filed by December 4, 2013. The instant Motion to Compel is a discovery-related Motion, but it was not filed until January 3, 2014.

For the foregoing reasons, the instant “Motion to Compel Discovery” (Docket No. 128) is DENIED.

IT IS SO ORDERED.



E. Clifton Knowles
United States Magistrate Judge